

BEFORE THE BOARD OF PARDONS AND PAROLE  
DEPARTMENT OF CORRECTIONS  
OF THE STATE OF MONTANA

In the matter of the proposed )	AMENDED NOTICE OF
adoption of new rule I )	PROPOSED ADOPTION
concerning training of board )	
of pardons and parole board )	NO PUBLIC HEARING
members )	CONTEMPLATED

TO: All Concerned Persons

1. On February 12, 2004, the Board of Pardons and Parole published MAR Notice No. 20-7-30 at page 239 of the 2004 Montana Administrative Register, Issue Number 3 of the proposed adoption of the above-stated rule. The notice of proposed adoption is being amended to extend the comment period. New Rule I is being re-proposed for adoption as shown below.

2. The Board of Pardons and Parole will make reasonable accommodations for persons with disabilities who wish to participate in the rulemaking process and need an alternative accessible format of this notice. If you require an accommodation, contact the Board of Pardons and Parole no later than 5:00 p.m. on April 28, 2004, to advise us of the nature of the accommodation that you need. Please contact Sherri Townsend, P.O. Box 201301, Helena, MT 59620-1301; phone: (406) 444-7843; fax: (406) 444-4920; e-mail: stownsend@state.mt.us.

3. Because the Board of Pardons and Parole is exempted from the notice and comment or opportunity for hearing requirements of the Montana Administrative Procedure Act, this notice is published in the Montana Administrative Register as a courtesy to those persons who may wish to offer comments and suggestions before the board makes its final decision.

4. The new rule is proposed to implement House Bill 211 (Ch. 559, L. 2003), which authorizes the board to adopt rules to train board members and auxiliary members regarding American Indian culture and problems in order for the board to deal appropriately with American Indian inmates appearing before the board. The legislation further authorizes rulemaking to address board member training regarding other matters pertinent to service on the board.

5. The proposed new rule provides as follows:

NEW RULE I BOARD TRAINING (1) All board members shall receive or have received training that addresses the following issues relevant to American Indians in the state of Montana:

MAR Notice No. 20-7-31

(a) the cultures and problems of Montana tribes and reservations;

(b) statistical and comparative data regarding correctional populations;

(c) distinctions between urban and reservation populations; and

(d) federal, state, and local community services available to paroled or discharged American Indian inmates.

(2) A board member that has not received training regarding American Indian issues must complete the training within a reasonable time from the date of appointment. A member that has not completed training may not participate on a hearing panel acting on American Indian offender dispositions unless a trained member is also participating on the panel.

(3) New board members may attend nationally recognized correctional training or a comparable program for parole board members.

(4) Before participating on a hearing panel, a new board member must receive orientation from board staff regarding:

(a) state and federal law and rules pertinent to board operations;

(b) offender pathology, treatment and supervision; and

(c) department of corrections organization.

(5) A convened board shall evaluate and update training annually and determine the extent and sufficiency of the training required for individual members.

AUTH: 46-23-218, MCA

IMP: 46-23-218, MCA

6. Concerned persons may present their data, views or arguments concerning the proposed action in writing to Sherri Townsend, Department of Corrections, P.O. Box 201301, Helena, Montana 59620-1301; fax (406) 444-4920; e-mail stownsend@state.mt.us, and must be received no later than 5:00 p.m. on April 28, 2004.

7. The Department of Corrections maintains a list of interested persons who wish to receive notices of rulemaking actions proposed by this agency. Persons who wish to have their name added to the list shall make a written request which includes the name and mailing address of the person to receive notices, and specifies that the person wishes to receive notices regarding community corrections, juvenile corrections, board of pardons and parole, private correctional facilities or general departmental rulemakings.

Such written request may be mailed or delivered to Sherri Townsend, Department of Corrections, 1539 11th Ave., P.O. Box 201301, Helena, Montana 59620-1301; faxed to (406) 444-4920; e-mailed to stownsend@state.mt.us or may be made by completing a request form at any rules hearing held by the Department of Corrections.

8. An electronic copy of this Notice of Public Hearing is available through the board of pardons and parole's web site at [www.discoveringmontana.com/bopp](http://www.discoveringmontana.com/bopp). The board tries to make the electronic version conform to the official version of this notice, as printed in the Montana Administrative Register. However, the board advises that it will decide any conflict between the official version and the electronic version in favor of the official printed version. In addition, the board advises that the website might be inaccessible at times, due to system maintenance or technical problems.

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KENNETH D. PETERSON, Chair  
Board of Pardons and Parole

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BILL SLAUGHTER, Director  
Department of Corrections

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Colleen A. White, Rule Reviewer  
Department of Corrections

Certified to the Secretary of State March 29, 2004.